

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

In re: THOMAS JOSEPH FARRELL, JR. )  
**Debtor** )  
AMERICREDIT FINANCIAL SERVICES, INC. ) CHAPTER 13  
dba GM FINANCIAL ) Case No.: 19-17500 (MDC)  
**Moving Party** )  
v. ) Hearing Date: 3-17-20 at 10:30 AM  
THOMAS JOSEPH FARRELL, JR. ) 11 U.S.C. 362  
HOLLY L. FRY )  
**Respondent(s)** ) 11 U.S.C. 1301  
WILLIAM C. MILLER )  
**Trustee** )  
\_\_\_\_\_  
)

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Comes now AmeriCredit Financial Services, Inc., dba GM Financial (“GM Financial”) filing this its Motion For Relief From The Automatic Stay And Co-Debtor Stay (“Motion”), and in support thereof, would respectfully show:

1. That on December 2, 2019, Thomas Joseph Farrell, Jr. filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361, 362, 1301 and 28 U.S.C. 157 and 1334.
3. On October 31, 2016, the debtor(s) and the co-debtor Holly L. Fry entered into a retail installment contract for the purchase of a 2016 Dodge Journey bearing vehicle identification number 3C4PDCAB0GT128238. The contract was assigned to AmeriCredit Financial Services, Inc. and the debtors became indebted to AmeriCredit in accordance with the terms of same. AmeriCredit Financial Services is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. AmeriCredit Financial Services

now does business as GM Financial. A true copy of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

4. As of January 24, 2020, the Debtor's account with GM Financial had a net loan balance of \$26,733.23.

5. According to the January 2020 NADA Official Used Car Guide, the vehicle has a current retail value of \$12,250.00.

6. The Debtor's account is past due post-petition from December 15, 2019 to February 15, 2020 with arrears in the amount of \$1,417.83.

7. GM Financial alleges that the automatic stay and co-debtor stay should be lifted for cause under 11 U.S.C. 362(d)(1) and 11 U.S.C. 1301 in that GM Financial lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The Debtor is failing to make payments to GM Financial and is failing to provide GM Financial with adequate protection.

WHEREFORE PREMISES CONSIDERED, GM Financial respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to GM Financial to permit GM Financial to seek its statutory and other available remedies; (2) that the co-debtor stay will be terminated as to GM Financial to permit GM Financial to seek its statutory and other available remedies; (3) that the stay and co-debtor stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (4) GM Financial be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

William E. Craig

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Local Counsel for AmeriCredit Financial Services, Inc.

dba GM Financial